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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/727,285

12/03/2003

Christian Biewer

60,130-1938;02MRA0550/055

4667

26096

7590

06/22/2005

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EXAMINER

JOHNSON, BLAIR M

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,285

Applicant(s)

BIEWER, CHRISTIAN

Examiner

Blair M. Johnson

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,4,5,10,13,18,20 and 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by German patent '779.

See first 76 and second 78 roller blinds, coiling body 92, with one edge of one roller blind being axially offset from the opposite edge of the other roller blind. See also guides 84 and the housing being the vehicle itself.

Claims 1-3 and 19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pinkalla et al.

Referring to Figs. 3 and 5, see one (rear) roller blind made of panels 34a and one panel 34b, and the other (front) roller blind made of two panels 34b, and/or 34c, with the rear panel being wider than the front panel and they have offset edges. See guides 60. Regarding claim 3, one roller blind consists of one panel 34b (rear) while the other roller blind consists of one panel 34b (front).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over German '779 in view of German '919.

Providing edge "bands" to maintain the edges of a roller blind in guides is well known, as illustrated by '919. It would have been obvious to modify '779 to have such edge bands so as to maintain the blind in the track.

Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over German '779 in view of Jeuffray et al.

Providing a housing for the roller blinds is well known, if not inherent in the '779 reference. Jeuffray et al discloses such a housing 1. It would have been obvious to modify '779 to have such a housing so as obscure and support the roller mechanism.

Claims 10,12,13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinkalla et al in view of Kreautler.

Providing a housing for a roller device is well known, as illustrated by Kreautler. It would have been obvious to provide Pinkalla et al with such a housing so as to protect and hide the roller mechanism.

Allowable Subject Matter

Claims 6,9,11,14 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

Applicant has misinterpreted the Examiner's assessment of the claims vs. German '779 and Pinkalla et al. Looking at Fig. 6 of '779, a first edge would be the top, right edge of blind 78 (ref. No. 84 is adjacent this edge) and a second edge would be the lower, left edge of blind 76. These two edges are on opposite sides of the double blind and therefore are offset.

Regarding Pinkalla et al, Applicant discusses element 32, yet this element is not relied upon by the Examiner and has not been even mentioned. Applicant is encouraged to reread the rejection above.

The addition of '919 teachings to '779 is motivated by the desire to reinforce the edges of a roller blind. Applicant asserts that component 60 in Pinkalla is not a guide, but a seal. Applicant cannot distinguish between similar structures of elements merely by changing the term used to depict such elements. The "seal" of Pinkalla is shown and described in a manner to read on a guide, i.e. it "forms a cavity...fro receiving the side of the strips panel 34a", column 6, lines 65,66. Lastly, Pinkalla is said to be nonanalogous. Pinkalla is used in a 102 rejection, in which this argument is not applicable.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not


Art Unit: 3634

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Blair M. Johnson
Primary Examiner
Art Unit 3634

BMJ
6/20/05